

File No.: 1586

MJO/ef

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JEAN POE,	)
	)
Plaintiff,	)
	)
vs.	) Case No.: 09 CV 2075
	) Judge Pallmeyer
AMERICAN AIRLINES, INC. a Foreign	) Magistrate Judge Nolan
Corporation, and AMERICAN EAGLE	)
AIRLINES, INC., a Foreign Corporation,	)
	)
Defendants.	)

**FIRST AMENDED COMPLAINT AT LAW**

**Count I**

Now comes the Plaintiff, Jean Poe, by and through her attorneys, KENT M. LUCACCIONI, LTD., and for her Complaint at Law against the defendant, American Airlines, Inc., a Foreign Corporation, states as follows:

1. This matter was originally filed in the Circuit Court of Cook County, Illinois as *Jean Poe v. American Airlines, Inc.*, 09 L 2007.
2. Plaintiff, Jean Poe, is a citizen of the State of Tennessee.
3. Defendant, American Airlines, Inc., is a Foreign Corporation, incorporated under the laws of the State of Delaware with its principal place of business in the State of Texas.
4. This cause was removed to this District Court for the Northern District of Illinois by the motion of defendant, American Airlines, Inc., pursuant to 28 U.S.C. Sec. 1441. Sec. 1446 and Sec. 1332 based on diversity of citizenship.

5. On December 22, 2007, the defendant, American Airlines, Inc., owned, operated, maintained and controlled a certain boarding gate leading into American Airlines Flight #AA3947, located at O'Hare Airport, in the City of Chicago, County of Cook and State of Illinois.

6. At said time and place, the defendant, American Airlines, Inc., was a common carrier and had a duty to exercise the highest standard of care so as not to cause losses or injuries to those lawfully on or upon its premises.

7. On December 22, 2007, the plaintiff, Jean Poe, entered said boarding gate with the expressed purpose of boarding the aforementioned American Airlines flight to Bloomington, Illinois.

8. On the aforesaid date, the plaintiff, Jean Poe, while lawfully upon said boarding gate, was caused to slip and fall due to a liquid that had accumulated on the boarding gate.

9. The defendant, American Airlines, Inc., was guilty of one or more or all of the following wrongful acts:

- a. Failed to periodically and systematically inspect the boarding gate for an accumulation of liquid;
- b. Carelessly, negligently and improperly allowed an accumulation of liquid to form on the floor of the boarding gate;
- c. Failed to remove an accumulation of liquid that had formed in the boarding gate;
- d. Carelessly, negligently, and improperly failed to warn persons lawfully upon the premises of the dangerous conditions existing thereupon.

10. One or more or all of the conditions described existed for such a period of time that the defendant, American Airlines, Inc., knew, or should have known, of the dangerous conditions existing thereupon.

11. As a direct and proximate result of the careless and negligent acts or omissions to act on the part of the defendant, American Airlines, Inc., the plaintiff, Jean Poe, was caused to slip on the accumulation of liquid, become injured and sustain damages.

Wherefore, the plaintiff, Jean Poe, prays this Honorable Court for Judgment in her favor against the defendant, American Airlines, Inc., for a sum in excess of Seventy-Five Thousand (\$75,000.00) Dollars.

### **Count II**

Now comes the Plaintiff, Jean Poe, by and through her attorneys, KENT M. LUCACCIONI, LTD., and for her Complaint at Law against the defendant, American Eagle Airlines, Inc., a Foreign Corporation, states as follows:

1. This matter was originally filed in the Circuit Court of Cook County, Illinois as *Jean Poe v. American Airlines, Inc.*, 09 L 2007.

2. Plaintiff, Jean Poe, is a citizen of the State of Tennessee.

3. Defendant, American Eagle Airlines, Inc., is a Foreign Corporation, incorporated under the laws of the State of Delaware with its principal place of business in the State of Texas.

4. This cause was removed to this District Court for the Northern District of Illinois by the motion of defendant, American Airlines, Inc., pursuant to 28 U.S.C. Sec. 1441. Sec. 1446 and Sec. 1332 based on diversity of citizenship.

5. On December 22, 2007, the defendant, American Eagle Airlines, Inc., owned, operated, maintained and controlled a certain boarding gate leading into American Eagle Airlines Flight #AA3947, located at O'Hare Airport, in the City of Chicago, County of Cook and State of Illinois.

6. At said time and place, the defendant, American Eagle Airlines, Inc., was a common carrier and had a duty to exercise the highest standard of care so as not to cause losses or injuries to those lawfully on or upon its premises.

7. On December 22, 2007, the plaintiff, Jean Poe, entered said boarding gate with the expressed purpose of boarding the aforementioned American Eagle Airlines flight to Bloomington, Illinois.

8. On the aforesaid date, the plaintiff, Jean Poe, while lawfully upon said boarding gate, was caused to slip and fall due to a liquid that had accumulated on the boarding gate.

9. The defendant, American Eagle Airlines, Inc., was guilty of one or more or all of the following wrongful acts:

- a. Failed to periodically and systematically inspect the boarding gate for an accumulation of liquid;
- b. Carelessly, negligently and improperly allowed an accumulation of liquid to form on the floor of the boarding gate;
- c. Failed to remove an accumulation of liquid that had formed in the boarding gate;
- d. Carelessly, negligently, and improperly failed to warn persons lawfully upon the premises of the dangerous conditions existing thereupon.

10. One or more or all of the conditions described existed for such a period of time that the defendant, American Eagle Airlines, Inc., knew, or should have known, of the dangerous conditions existing thereupon.

11. As a direct and proximate result of the careless and negligent acts or omissions to act on the part of the defendant, American Eagle Airlines, Inc., the plaintiff, Jean Poe, was caused to slip on the accumulation of liquid, become injured and sustain damages.

Wherefore, the plaintiff, Jean Poe, prays this Honorable Court for Judgment in her favor against the defendant, American Eagle Airlines, Inc., for a sum in excess of Seventy-Five Thousand (\$75,000.00) Dollars.

/s/ Kent M. Lucaccioni

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